

United States District Court
For the Northern District of California

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NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THEOPRIC K. BLOODSAW,)
Plaintiff,) No. C 08-00742 JF (PR)
vs.) ORDER OF DISMISSAL
J. S. WOODFORD, et al.,)
Defendant(s).)

Plaintiff, a California inmate currently incarcerated at Pelican Bay State Prison in Crescent City, has filed a civil rights complaint under 42 U.S.C. § 1983. Plaintiff has also filed an application to proceed in forma pauperis. Plaintiff's complaint appears identical to the complaint filed in a prior case before this Court: Case No. C 08-00649 JF (PR), which is currently pending in this Court. Therefore, the instant case is DISMISSED as duplicative of Plaintiff's earlier filed complaint.

BACKGROUND

In his complaint, Plaintiff alleges general claims against Defendants such as "lack of jurisdiction over subject matter," "deprivation of rights," and harassment.

(Compl. at 3.) He seeks monetary and punitive damages as well as a “permanent injunction for procuring cruel and unusual punishment.” (*Id.* at 3-4.) Plaintiff claims that he is “legally and medically entitle[d] to single cell housing” and that his “constitutional and civil right[s] have been violated.” (*Id.*) Plaintiff attaches over eighty pages of exhibits essentially identical to those attached to his earlier complaint under Case No. C 08-00649 JF (PR) against the same Defendants, alleging the same general claims.

DISCUSSION

I. Standard of Review

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The Court must identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint “is frivolous, malicious, or fails to state a claim upon which relief may be granted,” or “seeks monetary relief from a defendant who is immune from such relief.” *Id.* § 1915A(b). Pro se pleadings must be liberally construed, however. Balistreri v. Pacifica Police Dep’t, 901 F.2d 696, 699 (9th Cir. 1990).

II. Legal Claims

A complaint that merely repeats pending or previously litigated claims may be dismissed under the authority of 28 U.S.C. § 1915. Cato v. United States, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995); Bailey v. Johnson, 846 F.2d 1019, 1021 (5th Cir. 1988). This action is duplicative of an earlier complaint filed in this Court that is currently pending. As such, Plaintiff’s complaint is DISMISSED as duplicative and for failure to state a claim for relief.

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CONCLUSION

For the foregoing reasons, Plaintiff's action is DISMISSED for failure to state a claim upon which relief may be granted. 28 U.S.C. § 1915A. The Clerk of Court shall terminate all pending motions, enter judgment and close the file.

IT IS SO ORDERED.

DATED: 6/23/08


JEREMY FOGEL
United States District Judge